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09/737,489	12/18/2000	Harutaka Eguchi	1046.1226/JDH	7581

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EXAMINER

SANTIAGO, ENRIQUE L

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/737,489

Applicant(s)

EGUCHI, HARUTAKA

Examiner

Enrique L Santiago

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 5-30-2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Specification**

The disclosure is objected to because of the following informalities: The specification appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors. The proposed amendment to the paragraph beginning at page 1, line 10 also contains grammatical and idiomatic errors. Lines 2-5 claim “it is feasible to lay out the images in a way of being overlapped with each other, an to specify the target image to be location at the forward of other images or at the back of other image when overlapped. Further, a size of each of those images laid out on the sheet can be varied to an arbitrary value as the user specifies.” Appropriate correction is required.

### **Drawings**

The proposed changes (indicated in red on the copies submitted by the applicant) to figures 2, 11, 12 and 14 are approved by the Examiner.

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-Regarding claim 10, lines 1-3 claim “An image processing system comprising: a plurality of unit storage areas ensured according to processing target images” It is unclear what the applicant means by “ensured according to” (according to the Cambridge Advanced Learner’s

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Dictionary: ensure is to make something certain to happen) it is unclear what the applicant wants to ensure, therefore claim 10 is indefinite and fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-Claim 11 is rejected due to its dependence on claim 10.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cullen et al. US patent no. 5,732,230.

-Regarding claims 1 and 12, Cullen et al. teaches an image processing system comprising: a display unit 24 (see fig. 1, column 3, lines 4-24) displaying on a screen a composite area as an aggregation of unit areas into which images are insertable (see figs. 3 and 5-10, column 3, lines 4-24); and an operation unit inserting a processing target image into the unit area within the composite area (see fig 3 column 6, line 51-column 7, line 4, column 7, lines 39-51).

-Regarding claim 2, Cullen et al. further teaches an image processing system wherein the image inserted into the unit area is transferable to other unit area within the composite area (see fig. 3, column 6, lines 12-34).

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-Regarding claim 3, Cullen et al. further teaches an image processing system wherein the image inserted into the unit area is deleted by transferring the same image to a position outside the composite area (see column 9, lines 39-46).

-Regarding claim 4, Cullen et al. further teaches an image processing system wherein the processing target image is inserted into the unit area by a drag-and-drop operation (see fig. 3, see column 2, lines 45-49 column 6, lines 12-23).

-Regarding claim 5, Cullen et al. further teaches an image processing system comprising: a transfer detection unit (position determining means) indicating a processing target image and detecting a transfer of the indicated image (see column 3, lines 4-25), wherein the indicated image is inserted into the unit area (see column 3, lines 4-25).

-Regarding claim 6, Cullen et al. further teaches an image processing system wherein the composite area into which the images are inserted is stored as an image having predetermined dimensions (see column 4, line 62-column 5, line 22).

-Regarding claim 7, Cullen et al. further teaches an image processing system comprising: a related image indicating module 118 relating a plurality of images to each other (see fig. 3, column 6, line 51-column 7, line 4, column 7, lines 39-51), wherein when the processing target image is related to other images, the related images are consecutively inserted together with the processing target image into the plurality of unit areas (see fig. 3, column 6, line 51-column 7, line 4, column 7, lines 39-51).

-Regarding claim 8, Cullen et al. further teaches an image processing system wherein when the number of images to be inserted exceeds the number of insertable unit areas, the image insertion is finished (see fig. 3, steps 116-122, column 6, lines 51-52).

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-Regarding claim 9, Cullen et al. further teaches an image processing system wherein the composite area is composed of the unit areas having different dimensions (see figs. 5-10, column 8, lines 34-42).

-Regarding claim 10, Cullen et al. teaches an image processing system comprising: a plurality of unit storage areas (see column 9, lines 36-39, system memory 16, fixed disk 32 and virtual memory) [*ensured according to?*] processing target images (see figs. 1 and 2, column 3, line 54-58, column 4, lines 6-8); and a control unit controlling an access to each of the unit storage areas (see figs. 1 and 3, column 5, lines 10-22), wherein said control unit stores the processing target unit images in said plurality of unit storage areas (see figs. 1 and 3, column 5, lines 10-22, column 9, lines 36-39), accesses said unit storage areas in a predetermined sequence, and thereby generates a composite image from the unit images (see figs. 1 and 3, column 5, lines 10-22, column 6, line 51-column 7, line 51).

-Regarding claim 11, Cullen et al. further teaches an image processing comprising: unit storage areas having different capacities (see fig 1, column 9, lines 36-39, system memory 16, fixed disk 32 and virtual memory), wherein the composite image is composed of the unit images having different dimensions (see figs. 7-10, column 9, lines 3-39).

-Regarding claim 13, Cullen et al. teaches a storage medium including instructions for: displaying a composite area as an aggregation of unit areas into which images are insertable (see figs. 3 and 5-10, column 3, lines 4-24, column 5, lines 10-22); detecting an indication of a processing target image (see fig. 3, column 3, lines 4-25); detecting a transfer of the indicated image (see fig. 3, column 3, lines 4-25); and inserting the indicated image into a transfer destination unit area (see fig. 3, column 3, lines 4-25).

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-Regarding claim 14, Cullen et al. further teaches an image processing system wherein dimensions of the unit area are specified irrespective of dimensions of the processing target image (see the abstract, fig. 3, column 5, lines 23-51), and the processing target image is adjusted to the dimensions of the unit area (see the abstract, fig. 3 and 10, column 5, lines 23-51, column 9, lines 65-67).

-Regarding claim 15, Cullen et al. further teaches an image processing system wherein the number of the unit areas within the composite area can be arbitrarily set (see column 8, lines 34-42, column 11, line 22).

-Regarding claim 16, Cullen et al. further teaches an image processing system wherein a background color of the unit area can be arbitrarily set (see column 1, lines 24-29, column 8, lines 35-42, column 9, lines 3-10).

-Regarding claim 17, Cullen et al. further teaches an image processing wherein a configuration of the unit area is a rectangular shape of which dimensions can be arbitrarily set (see column 8, lines 35-42).

-Regarding claim 18, Cullen et al. further teaches an image processing system wherein even when the image inserted into the unit area is deleted; an original image of the image inset in the unit area is not deleted (see column 9, lines 39-55).

-Regarding claim 19, Cullen et al. further teaches an image processing system wherein dimensions of the composite area can be arbitrarily set (see column 8, lines 35-42, column 11, line 22).

-Regarding claim 20, Cullen et al. further teaches an image processing system wherein the plurality of images are consecutively inserted into the plurality of unit areas starting from an

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arbitrarily specified unit area within the composite area (see the abstract, column 2, line 45-column 3, line 24, column 8, lines 34-54).

### **Response to Arguments**

Applicant's arguments have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "two kinds of unit areas... a unit area to which an image was inserted and a unit area to which an image is not inserted") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

-Regarding applicants' argument that Cullen et al. does not disclose or suggest "a plurality of unit storage areas" the Examiner disagrees. Cullen et al teaches a plurality of unit storage areas (see column 9, lines 36-39, system memory 16, fixed disk 32 and virtual memory).

-Regarding applicants' argument that Cullen et al. does not disclose or suggest "accessing the unit storage areas in a predetermined sequence" the Examiner disagrees. Cullen et al. teaches accessing the unit storage areas in a predetermined sequence (see figs. 1 and 3, column 5, lines 10-22, column 6, line 51-column 7, line 51).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action



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is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enrique L. Santiago whose telephone number is (703) 306-5908. The examiner can normally be reached on Monday to Friday from 7:00 A.M. to 3:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Enrique L. Santiago

August 18, 2003



MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600